

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

CHARLES D DUNLAP
Claimant

APPEAL NO. 10A-UI-01538-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 12/27/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Charles Dunlap filed an appeal from a representative's decision dated January 21, 2010, reference 01, which denied benefits based on his separation from Heartland Express, Inc. of Iowa (Heartland). After due notice was issued, a hearing was held by telephone on March 11, 2010. Mr. Dunlap participated personally. The employer participated by Lea Peters, Human Resources Generalist, and Mark Taylor, Terminal Manager.

ISSUE:

At issue in this matter is whether Mr. Dunlap was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Dunlap began working for Heartland on June 2, 2006 as a full-time regional driver. His last day of work was December 24, 2009. He quit because he did not feel the run he was dispatched on would have him home for Christmas. The employer offered several options that would have him arrive home on Christmas day, but Mr. Dunlap declined them. At one point, he stated that maybe he would quit.

On the afternoon of December 24, the terminal manager and the dispatcher told Mr. Dunlap that, if he intended to quit, he should return the truck to the yard. Because he did not like the route plans the employer offered, he turned the vehicle in. Continued work would have been available if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Dunlap quit his employment voluntarily because he did not like the routes the employer offered. He had enough driving hours available that he could have exercised one of the options offered by the employer and arrived home on Christmas day. The fact that this

was not satisfactory to him did not constitute good cause attributable to the employer for quitting. Although the employer was attempting to work with him, the employer was under no obligation to make sure he was home for Christmas.

For the reasons cited herein, the administrative law judge concludes that Mr. Dunlap quit his employment with Heartland for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 21, 2010, reference 01, is hereby affirmed. Mr. Dunlap quit his employment for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs